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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,562	09/19/2003	Christopher Dale Fenwick	19,376	4601
23556	7590	05/17/2004	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			NGUYEN, CAMTU TRAN	
			ART UNIT	PAPER NUMBER
			3743	

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/664,562

Applicant(s)

FENWICK ET AL.

Examiner

Camtu T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 11-17, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal (U.S. Patent No. 4,570,628) in view of Grier-Idris (U.S. Patent No. 4,957,120). Neal discloses in Figures 1-3 a surgical drape (16) taking the form of a main sheet (18). Centrally disposed within the main sheet (18) is located a fenestration (24). Figure 2 illustrates the liquid/solid collection chamber (30) in proximity to the fenestration (24) and is attached to the main sheet (18). The chamber (30) takes the form of a flexible walled bag. Neal does not teach a plurality of spaced apart fasteners, as recited. Grier-Idris discloses in Figure 1 a drape (8) with a fenestration (16) and a pouch (22). The pouch (22) is positioned near the fenestration (16). Figure 1 further illustrates the pouch (22) having a plurality of spaced apart snaps or other releasable fastening means (32). Therefore it would have been obvious to one skilled in the art to modify Neal's liquid/solid collection chamber (30) to include a plurality of spaced apart snaps or other releasable fastening means as taught by Grier-Idris for the purpose of securing liquid/solid from spilling. With regards to the fasteners comprising hook and loop and/or lengths of adhesive material, as recited, these types of fasteners are well known in the art. Therefore, it would have been obvious to one or ordinary skilled in the art to also consider a type of fastener,

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mentioned above, for the purpose securing or establishing fastening two items together. As regards the tubing caddy being used for holding medical tubes and lines therein is a mere functional recitation and a mere statement of intended use.

Claims 8-10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal (U.S. Patent No. 4,570,628), as modified above, and further in view of Roththrum (U.S. Patent No. 5,618,278). Neal, as modified above, discloses a surgical drape comprising elements as recited in these claims but does not suggest the rear panel of the liquid/solid collection chamber (30) comprises an adhesive for attaching the chamber to the drape. Rothdrum discloses in Figure 3a a fluid collection pouch (28) for attaching to a surgical drape. Figure 1a illustrates the fluid collection pouch (10a) comprises a tape attachment strip (24) such as adhesive tape placed on the rear panel of the pouch for attaching and re-attaching the pouch to the drape (column 10 lines 36-67, column 11 lines 1-20). Therefore it would have been obvious to one skilled in the art to apply the tape attaching strip taught by Rothdrum on the rear side of Neal's liquid/solid collection chamber for the purpose of providing adjustably attached to the drape.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 703-305-0537. The examiner can normally be reached on (M-F) 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 703-308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Camtu Nguyen  
May 4, 2004



Henry A. Bennett  
Supervisory Patent Examiner  
Group 3700